

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R.D. Toupence et al.

Serial No. 10/521,821

Filed: January 21, 2005

For: SUBSTITUED FURO[2,3-]PYRIDINE DERIVATIVES

Art Unit: \_\_\_\_\_

Examiner: \_\_\_\_\_

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By *[Signature]*Date *4/22/2005*

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits,
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Catherine D. Fitch

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 36,502

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-4283

Date: April 22, 2005

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (use as many sheets as necessary)			<b>COMPLETE IF KNOWN</b>	
<div style="border: 2px solid black; border-radius: 50%; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <div style="text-align: center;">             O I P E              APR 27 2005              PATENT &amp; TRADEMARK OFFICE           </div> </div>			Application Number	10/521,821
			Filing Date	January 21, 2005
			First Named Inventor	R.B. Toupence et al.
			Group Art Unit	
			Examiner Name	
Sheet 1 of 6	Attorney Docket Number 21175YP			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		5338740		Carpino et al.	08/16/1994
		3960876		Curran	06/01/1976
		5489685		Houpis et al.	02/06/1996
		6028084		Barth et al.	02/22/2000
		6344474		Maruani et al.	02/05/2002
		4973587		Ward et al.	11/27/1990
		5013837		Ward et al.	05/07/1991
		2004/0024881		Elving et al.	02/05/2004
		2004/0157839		Griffith	08/12/2004
		2004/0157838		Griffith	08/12/2004
		5596106		Cullinan et al.	01/21/1997
		5747524		Cullinan et al.	05/05/1998
		2004/0214837		Griffith et al.	10/28/2004
		2004/0214856		Carpino et al.	10/28/2004
		2004/0214838		Carpino et al.	10/28/2004
		2004/0214855		Carpino et al.	10/28/2004

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
			GB 2289276		Merck & Co., Inc.	11/15/1995
			EP 0 250 131		Borden, Inc.	11/21/1991
			EP 0 737 685		Adir Et Compagnie	07/19/2000
			WO 98/46609		Abbott Laboratories	10/22/1998
			WO 96/11929		SmithKline Beecham PLC	04/25/1996
			WO 96/23783		SmithKline Beecham PLC	08/08/1996
			WO 97/08167		SmithKline Beecham PLC	03/06/1997
			WO 99/03859		Astra Aktiebolag	01/28/1999
			WO 97/37989		SmithKline Beecham PLC	10/16/1997
			WO 97/05139		Abbott Laboratories	02/13/1997

Examiner Signature	Date Considered	
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**COMPLETE IF KNOWN**

<b>Application Number</b>	10/521,821
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<b>First Named Inventor</b>	R.B. Toupence et al.
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## Group Art Unit

Examiner Name

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Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number Kind Code (if known)		
			JP1993086064A	Yoshitomi Pharmaceutical Industries Ltd./Japan Tobacco Inc.	04/06/1993
			JP1993004989A	Yoshitomi Pharmaceutical Industries Ltd	01/14/1993
			JP1995053562A	Yoshitomi Pharmaceutical Industries Ltd	02/28/1995
			WO 92/03427	Yoshitomi Pharmaceutical Industries Ltd	03/05/1992
			WO 2004/060882	AstraZeneca AB	07/22/2004
			WO 2004/013120	F. Hoffman-La Roche AG	02/12/2004
			WO 03/027114	Bayer Pharmaceuticals Corporation	04/03/2003
			WO 99/02499	Japan Tobacco Co.	01/21/1999
			WO 01/58450	Sanofi-Synthelabo	08/16/2001
			WO 98/32441	Sanofi	07/30/1998

Date  
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## STATEMENT BY APPLICANT

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**TRADEMARK**

of

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**COMPLETE IF KNOWN****Application Number**

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**First Named Inventor**

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## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

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		Office	Number Kind Code (if known)		
			WO 2003/082191	Merck & Co., Inc.	10/09/2003
			WO 2003/086288	Merck & Co., Inc.	10/23/2003
			WO 03/063781	Merck & Co., Inc.	08/07/2003
			WO 03/007887	Merck & Co., Inc.	01/30/2003
			WO 2003/077847	Merck & Co., Inc.	09/25/2003
			WO 2003/082190	Merck & Co., Inc.	10/09/2003
			WO 2004/087704	AstraZeneca AB	10/14/2004
			WO 2005/000301	F. Hoffman-LaRoche AG	01/06/2005
			WO 96/02248	Eli Lilly and Company	02/01/1996
			WO 2004/000832	Akzo Nobel N.V.	12/31/2003

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		Office	Number	Kind Code (if known)		
			WO 02/42269		Sanofi-Synthelabo	05/30/2002
			WO 2005/009870		3M Innovative Properties Company	02/03/2005
			WO 2005/030732		AstraZeneca AB	04/07/2005
			WO 01/28557		University of Connecticut	04/26/2001
			WO 2004/058145		Merck & Co., Inc.	07/15/2004
			WO 2004/048317		Merck & Co., Inc.	06/10/2004
			WO 2004/029204		Merck & Co., Inc.	04/08/2004
			WO 2005/027837		Merck & Co., Inc.	03/31/2005
			WO 2005/009479		Merck & Co., Inc.	02/03/2005
			WO 03/075660		Merck & Co., Inc.	09/18/2003

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<b>Group Art Unit</b>	
<b>Examiner Name</b>	

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Attorney Docket Number 21175YP

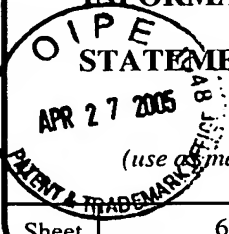
[illegible][illegible]Examiner  
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		Examiner Name	
Sheet	6	of	6
		Attorney Docket Number	21175YP

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	AA	Taylor et al., Tetrahedron, Vol. 43 (1987), pp. 5145-5158, "Intramolecular diels-alder reactions of 1,2,4-triazines"
	AB	Barth, Exp. Opin. Ther. Patents, Vol. 8 (1998), pp. 301-313, "Cannabinoid receptor agonists and antagonists"
	AC	Petit et al., Emerging Drugs, Vol. 3 (1998), pp. 39-53, "The therapeutic applications of cannabinoid agonists and antagonists"
	AD	Grundy, Expert Opin. Investig. Drugs, Vol. 11 (2002), pp. 1365-1374, "The therapeutic potential of the cannabinoids in neuroprotection"
	AE	Goya et al., Exp. Opin. Ther. Patents, Vol. 10 (2000), pp. 1529-1538, "Recent advances in cannabinoid receptor agonists and antagonists"
	AF	Adam et al., Exp. Opin. Ther. Patents, Vol. 12 (2002), pp. 1475-1489, "Recent advances in the cannabinoids"
	AG	Le Foll et al., J. Pharm. & Exper. Ther., Vol. 312 (2005), pp. 875-883, "Cannabinoid CB1 receptor antagonists as promising new medications for drug dependence"
	AH	Xiang et al, Ann. Reports in Med. Chem., Vol. 34 (1999), pp. 199-208, "Chap. 20. Pharmacology of cannabinoid receptor agonists and antagonists"
	AI	Database Chemcats, AN:2003:951109, 2003

Examiner Signature		Date Considered	
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